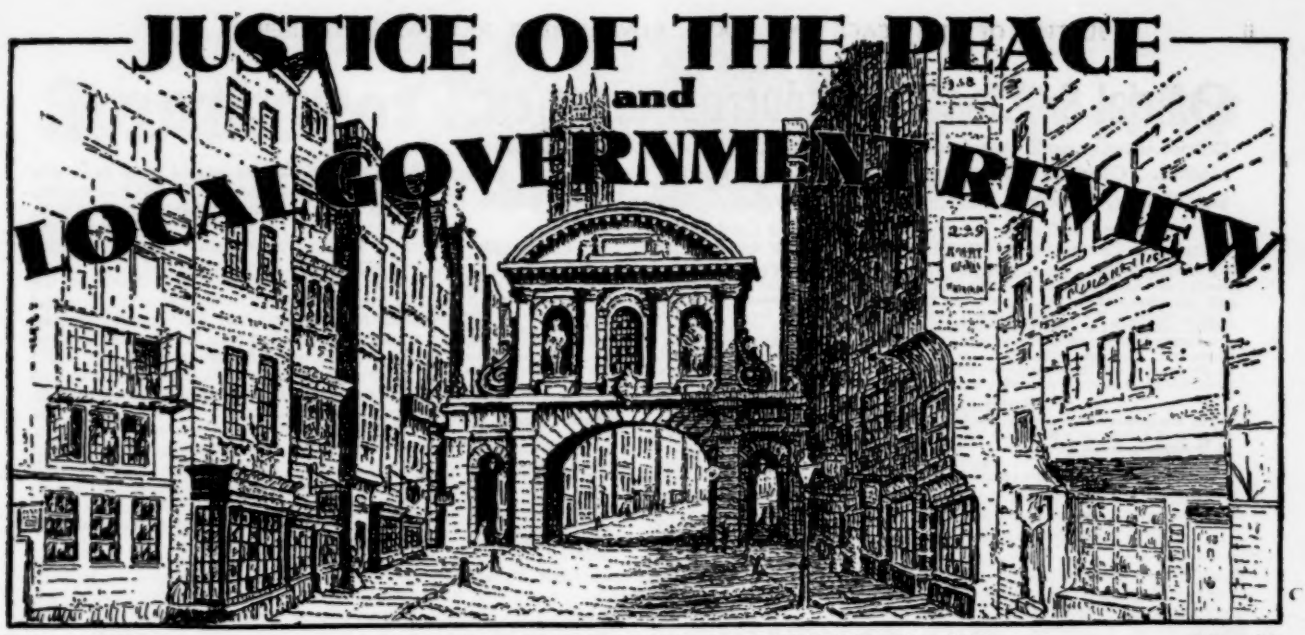

VOL. CXVII LONDON : SATURDAY, SEPTEMBER 19, 1953 No. 38

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REPORTS

Official & Classified Advertisements, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Classified Advertisements, 24 words 6s. (each additional line 1s. 6d.) Box Number, 1s. extra *Latest time for receipt* **10** *a.m. Thursday*

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NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note :* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

SITUATIONS VACANT

WANTED—Admitted or unadmitted Clerk as personal assistant to senior partner in large provincial practice—Lincolnshire. Salary according to experience. Box No. D.20, Office of this Newspaper.

WANTED—Managing Clerk (Solicitors' office, Lincolnshire) for Trust Accounts and Probate Department. Salary according to experience. Adequate junior staff maintained. Write with age and particulars, to Box No. D.21, Office of this Newspaper.

INQUIRIES

YORKSHIRE DETECTIVE BUREAU (T. E. Hoyland, Ex-Detective Sergeant). Member of The Association of British Detectives, World Secret Service Association and Associated American Detective Agencies. DIVORCE — OBSERVATIONS — ENQUIRIES—Civil and Criminal investigations anywhere. Over 1,000 Agents. Over 27 years C.I.D. and Private Detective Experience at your Service. Empire House, 10, Piccadilly, Bradford. Tel. 25129. (After office hours, 26823.) Established 1945.

PARKINSON & CO., East Boldon, Co. Durham. Private and Commercial Investigators. Instructions accepted from Solicitors only. Tel. : Boldon 7301. Available day and night.

BOROUGH OF TORQUAY

Appointment of Assistant Solicitor

APPLICATIONS are invited from Solicitors for the appointment of Assistant Solicitor. Salary A.P.T. Va (£625—£685) rising to A.P.T. VII (£710—£785) after two years' admission.

The appointment is subject to the Local Government Superannuation Act, 1937, and to medical examination and terminable by one month's notice.

Applications stating age, experience, past and present appointments, together with the names of two referees and endorsed "Assistant Solicitor," must reach me not later than October 4, 1953.

Canvassing will disqualify. Applicants must disclose in writing any relationship to member or senior officer of the Council.

T. ELVED WILLIAMS,
Town Clerk.

Town Hall,
Torquay.

CITY OF MANCHESTER

Appointment of Whole-time Male Probation Officer

APPLICATIONS are invited for the appointment of a whole-time Male Probation Officer.

Applicants must not be less than twenty-three nor more than forty years of age, except in the case of a serving officer.

The appointment will be subject to the Probation Rules, 1949 to 1952, and the salary will be according to the scale prescribed by those Rules.

The successful applicant will be required to pass a medical examination.

Applications, stating age, present position, qualifications and experience, together with copies of not more than three recent testimonials, must reach the undersigned not later than October 3, 1953.

HAROLD COOPER,
Secretary of the Probation Committee.

City Magistrates' Court,
Manchester, 1.

COUNTY OF SALOP

Appointment of Assistant Solicitor

APPLICATIONS are invited for the appointment of an Assistant Solicitor on the permanent staff at a salary within the range of Grades VIII and IX (£760—£935). The appointment will be determinable by three months' notice and will be subject to medical examination and to the provisions of the Local Government Superannuation Acts. Local Government experience, preferably with a County Council, is useful though not essential. An opportunity will be given to take part in Committee work as well as advocacy and the general legal work of the office.

Applications (no forms issued), giving age, date of admission, particulars of education and previous experience, together with the names of three referees, must reach the undersigned not later than September 30, 1953. Canvassing will disqualify.

G. C. GODBER,
Clerk of the Peace and of the County Council.

Shirehall,
Shrewsbury.
August 25, 1953.

CITY OF SALISBURY

Appointment of Deputy Town Clerk

APPLICATIONS are invited from Solicitors with previous experience in Local Government, for the appointment of Deputy Town Clerk. Grades A.P.T. IX and X. The commencing salary will be fixed according to qualifications and experience.

The appointment will be subject to the Scheme of Conditions of Service of the National Joint Council for Local Authorities Administrative, etc., Services ; to the provisions of the Local Government Superannuation Act, 1937; to the passing of a medical examination, and to one month's notice in writing on either side.

Housing accommodation will be made available is required by the successful candidate.

Applications, stating age, qualifications, and full particulars of experience, together with copies of three recent testimonials, in envelopes endorsed "Deputy Town Clerk," must reach me, the undersigned, not later than Monday, October 12, 1953.

Canvassing, directly or indirectly, is prohibited, and applicants should state in their applications whether, to their knowledge, they are related to any member of, or the holder of, any senior office under the Council.

GEO. RICHARDSON,
Town Clerk.

The Council House,
Bourne Hill,
Salisbury.

MIDDLESEX COMBINED PROBATION AREA

Appointment of Full-time Male Probation Officers

APPLICANTS must be not less than 23 nor more than 40 years of age, except in the case of a serving Probation Officer. Appointment and salary according to Probation Rules 1949/52, with £30 p.a. Metropolitan addition ; subject to superannuation deductions and medical assessment. Motor-car allowance provided. Application forms from undersigned, to be returned by October 3 (quoting M638 J.P.).

CLIFFORD RADCLIFFE,
Clerk to the County Probation Committee.

Middlesex Guildhall,
Westminster, S.W.1.

WORCESTERSHIRE

Whole-time Female Probation Officer

CONDITIONS and salary in accordance with the Probation Rules. Successful applicant may be required to pass a medical examination. Age limits 23 to 40 years, except for serving officers.

The successful candidate may be required to provide a motor car for which an allowance in accordance with the County Council Scale will be paid.

Applications, stating age, qualifications and experience, together with the names and addresses of two referees, to be received by the undersigned by October 10, 1953.

W. R. SCURFIELD,
Clerk of the Peace.

Shirehall,
Worcester.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

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NOTES of the WEEK

Probation and Discharge

The discretion conferred on magistrates' courts to make probation orders and orders of absolute or conditional discharge, conferred by ss. 3 and 7 of the Criminal Justice Act, 1948, is wide, but there can be no doubt that it has its limits, as had that conferred by the Probation of Offenders Act, 1907, and s. 16 of the Summary Jurisdiction Act, 1879. An improper exercise of the power to make such orders can be corrected on appeal to the High Court by case stated. In *Eversfield* v. *Story* [1942] 1 All E.R. 268 ; 106 J.P. 113, a second deliberate refusal to submit to medical examination for National Service was held to be inappropriate to be dealt with under the Probation of Offenders Act. In *Whittall* v. *Kirby* [1946] 2 All E.R. 552 ; 111 J.P. 1, Lord Goddard, C.J., expressed the opinion that cases of dangerous driving could hardly ever be suitable to be dealt with under that Act. Although the language of the Criminal Justice Act differs considerably from that of the earlier statutes, we think magistrates should regard the principles laid down in the decisions under the earlier legislation as their guide in making use of their present powers. Both s. 3 and s. 7 of the Criminal Justice Act, 1948, refer, *inter alia*, to the nature of the offence, and, as appears from *Whittall* v. *Kirby*, *supra*, some offences are of such a nature that they can rarely be appropriately dealt with by probation or absolute or conditional discharge ; they are of a type that must almost always be regarded as grave and calling for punishment. Although the word " trivial " which appeared in the Probation of Offenders Act as one of the considerations for regarding an offence as suitable to be dealt with under that Act, does not appear in the Criminal Justice Act, it is still relevant to consider whether an offence is grave or trivial, having regard to all the circumstances.

In *Evans* v. *Jones* [1953] 2 All E.R. 701, 117 J.P. 432, observations were made in the Divisional Court on the offence of adulterating milk with water. Parker, J., said, in the course of delivering judgment, in which he referred to the decision in *Banks* v. *Wooler* (1900) 64 J.P. 245, " Whatever was thought in 1900 as to the gravity or triviality of selling milk with an adulteration of ten *per cent.*, it seems to me that, today, any adulteration of milk is far from being a trivial offence.

"By reason of the Criminal Justice Act, 1948, s. 7 (1), the magistrates might if they considered the offence trivial, have granted either a conditional or an absolute discharge after finding the offence proved, but they have confused matters of defence with matters of mitigation and have failed to convict when an offence has been clearly proved. Whether the matter is to be considered trivial or not is for the magistrates to decide, but because in 1900 an adulteration of ten *per cent.* of water was treated as trivial it does not follow that it is the same today. In my opinion, this case should go back with a direction to the magistrates to convict."

Donovan, J., referred to the public money spent on milk as one reason for not regarding adulteration by water as trivial, and the Lord Chief Justice added that in his opinion the magistrates could not treat this as a trivial case.

Although no doubt it would be going too far to say that in no case could adulteration of milk properly be dealt with by probation or absolute or conditional discharge, it is clear that justices should generally visit such offences with suitable penalties and should hesitate long before making an order under s. 3 or s. 7 of the Criminal Justice Act.

Prevention of Crime Act, 1953

Recently a scaffolder appeared before the Coventry City Magistrates charged under the new Prevention of Crime Act as having had in his possession without lawful authority or reasonable excuse in a public place an offensive weapon. The prosecution asked for summary trial. The facts were simple and not in dispute. At 10 *p.m.* in a public-house there was an argument in which some five men set upon the prisoner, who in the course of things ended up on the floor. All the parties seemed to be under the influence of drink to some extent. Prior to this, the prisoner had had in his pocket a clasp knife and as he got up from the floor he took this knife from his pocket and opened it and dared the others to come on. In his defence, he said if one man had accepted the challenge he would have dropped the knife and fought with his fists, but if all five men had come on he might have used the knife. He was disarmed by a very competent barman without any real trouble ensuing. There were a few kicks and punches exchanged in throwing him out of the public house. Some time later and at a considerable distance from the public house he was arrested, and then it was seen that he had some minor injuries. It was not clear whether these had been inflicted before the knife was drawn or whether they were caused when he was thrown out of the public house. The knife was a single bladed clasp knife, rather like a pruning knife. It was about 3½ inches in length when closed and about twice that length when open. It was just the sort of knife that men of the prisoner's occupation might be expected to possess.

The prosecution submitted that while this was not an offensive weapon when carried by the prisoner in going about his ordinary business and would not be an offensive weapon when in his pocket on entering the public house, it had become an offensive weapon and the prisoner was no longer in possession of it with lawful authority or reasonable excuse once he opened it in the course of the brawl. The defence submitted that the knife *per se* was never and never could be an offensive weapon ; that the prisoner was attacked by others and was entitled to demonstrate with the knife to protect himself and thus the knife was a defensive weapon and not an offensive weapon ; the magistrates gave judgment to the following effect :

" We are of opinion that this Act of Parliament was passed to punish the carrying of offensive weapons such as knuckle-dusters, coshes and daggers. It was not intended to make illegal the carrying of lawful things such as an ordinary pocket knife even when subsequently the knife is used unlawfully. If that happens there are other provisions in law to deal with that situation. In this case the defendant was carrying a moderately large pocket knife but of a size quite appropriate to his calling as a scaffolder. He had lawful authority and reasonable excuse for having the knife in his possession, so this case must be dismissed. If a person has in his possession lawfully and with reasonable excuse a knife, then in our opinion he does not suddenly become in unlawful possession of it and without reasonable excuse for having it in his possession, because he misuses the knife. The provisions of this Act were not intended to cover the present facts which are and have always been covered by other provisions of law."

It becomes increasingly evident that there is a considerable divergence of opinion as to the true interpretation of the provisions of this Act, and it will no doubt become the subject of a High Court decision before long.

The Coventry case may be compared with that referred to in our issue of August 15.

Offensive Weapons under the new Act

Cases brought under the Prevention of Crime Act, 1953, are not only revealing the difficulties of interpreting it that may arise, but are also clearing the air to some extent. It becomes a little easier to see what the Act really covers as actual prosecutions and the arguments for the defence are reported.

It is worth while to point out that it may be said that there are two kinds of offensive weapons dealt with in the Act. A cosh, a firearm or a dagger is obviously, on the face of it, an offensive weapon, and once the prosecution has proved that it was in the defendant's possession in a public place, a *prima facie* case has been made out, and the defendant must prove lawful authority or reasonable excuse. He may attempt to do so, even in the case of a cosh, as a defendant did who gave as a reasonable excuse that he was going to show it to a friend as something brought home from abroad. On that point it might fairly be suggested that the more obviously offensive the weapon, the heavier the onus placed on the defendant.

The other kind of offensive weapon is the one that is not necessarily to be so described, but which becomes one within the meaning of the Act when the prosecution proves that it was intended to be used for the purpose of injuring someone. The position is that the defendant may even then have a good defence to a charge under this particular statute, whatever other offence he may have committed. The onus upon him is to satisfy the court that he had lawful authority or reasonable excuse for being in possession of the weapon. In the case of an ordinary pocket-knife, for instance, the answer will probably be that the defendant always carries one, as most men do, and therefore, whatever use he made of it, his reasonable excuse for carrying it remains. This was the line taken successfully in a recent case at Coventry referred to, *supra*, and no doubt the argument is sound. It is where the defendant is shown to have armed himself, or fails to satisfy the court for being in possession of something which he has used, or intended to use, for offensive purposes, that he is likely to be convicted.

There should be no danger of the conviction of defendants who are found in possession of articles that may or may not be used for offensive purposes, if these points are borne in mind.

In cases of possession of housebreaking implements, where the onus of proving lawful excuse is on the defendant, the implements are not infrequently such articles as may be carried and used for an innocent purpose, but are also well adapted for use as housebreaking tools. The court judges by the circumstances, including the time and the behaviour of the defendant, that led to his arrest, and considers any explanation given by the defendant. We think the law works well enough in this respect, and we see no reason why the new Act should not fulfil a useful purpose if carefully considered and strictly interpreted.

School Attendance

The Education (Miscellaneous Provisions) Act, 1953, which received the Royal Assent on July 14, amends the procedure for making school attendance orders (s. 10), and amends the Education Act, 1944, s. 40, which relates to the enforcement of school attendance (s. 11). A new subs. (4) is substituted, as follows :

" Without prejudice to the institution of proceedings for an offence against the last foregoing section or the exercise of the power conferred by subs. (3) of this section on a court to give a direction for the bringing of a child before a juvenile court, where a child of compulsory school age who is a registered pupil at a school fails to attend regularly thereat, the competent local education authority may of their own motion, if satisfied that it is necessary so to do for the purpose of securing the regular attendance of the child at school, bring the child before a juvenile court, and, where a child is brought before a juvenile court by virtue of this subsection, that court shall have the like power as is conferred on such a court by the said subs. (3).

For the purposes of this subsection—

(*a*) where the child in question belongs to the area of a local education authority, that authority and the local education authority for the area in which the school is shall each be a competent local education authority ;

(*b*) where the child in question does not belong to the area of any local education authority, the competent local education authority shall be the local education authority for the area in which the school is."

This amendment of the law will no doubt have the effect of bringing more cases before the juvenile courts, irrespective of the prosecution of the parent, and may be the means of improving school attendance, where a supervision order often has the desired result.

A Case under the Firearms Act

A case of considerable importance, which came before Whitley Bay magistrates, is reported in the *Yorkshire Observer*. A company was summoned under the Firearms Act, accused of manufacturing a weapon designed for the discharge of a noxious liquid and also of having such a weapon in their possession. The " weapon " was said to be a device which would fire an indelible dye and had been made for the purpose of identifying a thief or assailant.

In dismissing the summonses, the chairman of the bench said it was the duty of the prosecution to prove beyond reasonable doubt that the defendants intended this device to cause bodily harm. The fact that it might cause bodily harm if used was not material because this would make fire extinguishers, garden syringes, water pistols, paint sprays and numerous other articles illegal under the Act merely because an unscrupulous person could use them with an acid or ammonia. The bench were not satisfied on this point, and held it had not been proved that the device was a weapon. It had been stated that the liquid to be used in the device had not been determined, and it was impossible for the bench to find as a fact that the liquid was noxious.

The Firearms Act, 1937, s. 17 (1) is as follows : " It shall not be lawful for any person without the authority of the Admiralty, the Army Council or the Air Council to manufacture, sell, transfer, purchase, acquire, or have in his possession . . . (*b*) any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing."

The chairman observed that this was an important case upon which a decision of the High Court would be welcomed. It is to be hoped that the matter will be taken to that Court, so that the authorities and the manufacturers of similar devices will be left in no doubt.

An interesting feature of the matter is that the device is stated to be the invention of a retired justice of the peace.

Local Government Vehicles

The twenty-eight metropolitan boroughs offered, possibly, the best field for comparative study of a problem like the economic operation of vehicles. Although conditions are not identical throughout the area, there is a general similarity and the Organization and Methods Committee of the Metropolitan Boroughs have done well to set on foot an investigation of the results, in those boroughs where an " organization and methods " scheme is operated. The Report of this investigation is available (so long as copies last) at £1 a copy from the Director of the O. & M. Committee, at the Westminster City Hall. The committee carrying out the investigation was able, also, to obtain confidential information from some large commercial organizations about their experience in managing fleets of vehicles : this provides a useful comparison with some aspects of municipal management. The committee has avoided dogmatic recommendations, which could not apply to all local authorities, but has found itself in a position to make suggestions which every metropolitan borough council, and many other local authorities, might consider.

There is a summary of conclusions and recommendations under such headings as general organization, maintenance, staff cars and car allowances, costing, and some others. This is followed by a detailed review of each of the matters so summarized. There are a number of recommendations which the non-technical reader would expect could readily be brought into effect, such as greater co-ordination between departments under the same local authority, and simplification of the keeping of records. Of greater interest, possibly, to the local government officer and committee member (who approaches such problems without technical knowledge of operating vehicles) is that part of the Report which deals with operational use, *e.g.*, the breaking down of working hours into travelling time, loaded and unloaded ; standing time, either idle or in process of loading and unloading. The object of such records is to reduce idle standing time as far as possible, and to ensure that loading and unloading is efficiently done. Some boroughs have (it seems) too little information under such heads. Of interest not merely to local authority members and officials, but also to all ratepayers, is that part of the Report which deals with staff cars and car allowances. It is likely enough that the prevailing municipal practice in London and elsewhere is less generous to individuals than common commercial practice, but the Report finds that some boroughs are lavish in their allocation of staff cars, and in the range of officers entitled to use them, and that an officer may have a car allocated for his exclusive use when there is not enough for it to do. It is said also to be the general practice to allocate a car for the permanent use of the mayor : we have before now had occasion to indicate that the legality of this practice is questionable, although (fortunately from some points of view) it has not been often questioned. If there must be a mayor's car, it is satisfactory to find that in all but two of the metropolitan boroughs it is provided from the council's fleet, but less satisfactory that in most of them the car is permanently allocated instead of being drawn from the car pool as required. One of the two exceptional boroughs hires the mayor's car on an hourly basis, and the last complete year's expenditure, including the services of a chauffeur, amounted to about £250. The Report suggests that the costs of letting the mayor have a car from the council's pool should be compared with the rates charged by contractors. *Prima facie* £250 is a lot of money to be spent under this heading, and if the inference is that more would have been spent if a car from the pool had been used there seems to be a case for reconsidering the problem of providing mayoral cars. The Report says that the style of car provided for the mayor is a matter of policy, because it affects " civic dignity ". We know that this is a view commonly held, but find it hard to justify. So also it seems hard to justify the provision of a chauffeur for an officer on grounds of " prestige ", especially if this means allocating to the officer the services of a chauffeur, and metropolitan borough councils are recommended in the Report to consider whether the practice can be justified, so far as daily travel is concerned.

The Report goes in some detail into questions of costing and cost control, which are closely linked with operational records ; matters of this kind are rather beyond the comprehension of the reader without experience of dealing with them. We have, however, said enough to indicate that the Report is suggestive and valuable in many different ways, and we shall not be surprised if it becomes necessary to reprint it, for wider circulation in the world of local government—in which case, we imagine, its price could be reduced.

The Sutton Dwellings Trust

The Sutton Dwellings Trust was established under the will of Mr. W. R. Sutton for the provision of model low-rented dwellings for occupation by the poor of London and other " towns and populous places " in England. During the forty-three years in which the Trust has operated, over £4 millions have been spent in the development of twenty-three estates, of which six are in London, and the remainder spread widely over the country. It has been the practice to provide, wherever possible, special accommodation for old people. In all, 495 one-room flats and seventy-six two-room flats have been so provided, but a good proportion of the 1,150 two-room flats not specifically reserved for old people are in fact occupied by elderly couples. All the houses and flats built by the Trust bear comparison with the best of similar size and age erected by local authorities or any other agency, and it is pointed out in the last annual report of the Trust that this is true, both as regards design and construction, and subsequent maintenance. The initial rents were also similar to—and in many cases less than —those charged by local authorities for comparable accommodation. In 1939, they brought in a net return of about 1¾ *per cent.* on the capital expended. Much has been said in recent years in approbation of the part which private charitable effort has played, and still needs to play in the life of the nation. Practical encouragement has been given by Parliament, in recent years as in the past, in the form of exemptions and privileges conferred upon charities whereby the impact of burdensome legislation is eased or avoided. The Acts relating to income tax, war damage and town and country planning afford examples. But although the Trust has enjoyed these advantages, in common with other charities, it is regretted in the report that it has not obtained any relief from the financial burden brought about by the operation of the Rent Restrictions Acts, a burden which tends to be heavier in the case of a housing

charity than in the case of an ordinary private owner because the rents on which the control is based (broadly speaking, the 1914 and 1939 rents) were so much less than the full letting value of the properties. This circumstance has left the Trust with much less of a margin with which to absorb increased costs than would otherwise have been the case. The Trust thus incurs a special penalty now for the scrupulous fulfilment of its charitable duties in the past. There was a loss of £17,259 last year on the dwellings owned by the Trust.

It is interesting to learn from the report that the trustees are in consultation with another voluntary body and with a local authority about a comprehensive scheme for the housing and care of old people. The Trust's part would be to provide the ordinary residential accommodation; the other bodies concerned would provide a rest home, a hostel, and a non-residential club on the same site. It is hoped to establish effective working arrangements with the local regional hospital board which would include the provision of such specialized medical services as are necessary. The scheme would thus aim to provide for the care and attention of old people while disabled, or in a state of ill-health not requiring hospital treatment, as well as housing accommodation for the able-bodied. This is a development in line with the views which have been expressed by those national organizations which are particularly concerned with the welfare of old people if, as we hope, the dwellings are to be integrated with the housing of the normal population, and do not lead to the segregation of the aged from the younger generation.

West Riding Finances 1952/53

Mr. John Durham, O.B.E., F.S.A.A., the West Riding Treasurer, has sent us a summary of the County Council accounts for the year 1952/53 and we note with pleasure that the attractively presented booklet which he has prepared was published in July: an admirable example of promptitude in getting out the year's results and particularly commendable having regard to the size of his authority and its huge annual expenditure, which in 1952/53 totalled £23,903,000, a sum equal to £15 0*s.* 8*d.* per head of population and an increase of 11·5 *per cent.* over the previous year.

The education service accounted for well over half of this total with a figure of £12,729,000, and the other major services were roads (£2,921,000), police (£1,103,000) and health (£1,921,000).

Total rate precepted for 1952/53 was 12*s.* 6*d.*, the same as for the previous year, but was insufficient to meet expenditure which was equal to a rate of 14*s.* 2*d.* The difference was met from balances as was a rather smaller deficit in 1951/52, but evidently the County Council consider that depletion of reserves at this rate cannot continue and for 1953/54 a total precept of 15*s.* 6*d.* has been levied involving an estimated call on balances equal to a 4½*d.* rate only. In view of the somewhat ill-informed views expressed from time to time about the intolerable burden which rates have now become it is worth noting that the total county precept in 1947/48 was also 15*s.* 6*d.* A separate booklet gives particulars of rates levied and general financial statistics of the West Riding county districts and in his foreword to this publication County Alderman H. J. Bambridge, O.B.E., Chairman of the West Riding Finance Committee, points out that in non-county boroughs and urban districts since 1947/48 there has been a rise of 3*s.* 4*d.* in the average rate levied to a total of 24*s.* 8*d.*, and in rural districts an increase of 1*s.* 7*d.* to 21*s.* 7*d.* Compared with rises in wages and having regard to the depreciation of money over the same period, the rise is certainly not excessive.

This is the last of these annual summaries which Mr. Durham will prepare, as on September 30 he retires from the office which he has held with such distinction. It is not only in the council chamber at Wakefield that his advice has been sought. He has long been a financial adviser to the County Councils Association and called in on many important financial matters at national level. We wish him good health and happiness in his retirement.

Parish Council Elections

A few years ago, it seemed that parish councils might almost disappear as effective units of local government administration, but their activities have been much strengthened by the establishment of the National Association of Parish Councils, and its various county branches, largely through the pioneering work of the National Council of Social Service. Until the Representation of the People Act, 1948, came into operation, a parish council was elected at a parish meeting or a poll consequent thereon, but this Act required the election to be conducted by means of nominations and, if necessary, a poll as in the election of rural district councillors. Increasing interest has, however, led in some areas to more competition to become members of the council, with the resulting difficulty that the cost of the elections is made burdensome in the smaller parishes. The association accordingly made representations to the Home Office, and pointed out that the difficulty is particularly acute in the essentially rural parishes, which lost up to eighty *per cent.* of their rateability through de-rating. In some instances, the expenses have amounted to the equivalent of a rate of 8*d.* in the £, which is the highest amount which may be raised in any parish without the consent of the Minister. Unless the parish meeting agrees, the rate must not exceed 4*d.* in the £. The Rural District Councils Association has agreed, therefore, with representations from Essex, that the Minister should be asked to give a general consent under s. 193 of the Local Government Act, 1933, to enable any parish council to meet election expenses outside the limit imposed by s. 193 (3) of the Act.

Apparently, the cost of the elections has resulted in many areas in arrangements being made between prospective candidates to avoid contested elections, which is considered to be against the best interests of local government. The position might be met either by reducing the cost of the elections, or by part of the cost being met by the rural district council or the county council. The National Association of Parish Councils is opposed to any radical change in the system of election introduced by the Act of 1948, and the Home Office has sought the views of the Rural District Councils Association on the matter generally. A large part of the cost is in respect of the fees of the returning officer and his assistants, and it has been suggested that these fees should be substantially reduced. The Rural District Councils Association is of opinion, however, that owing to the lengthy hours worked on election days, it would not be cheaper to pay ordinary rates of overtime instead of the existing fees to local government officers employed for this work.

On the question as to how the cost should be met, the parish councils' association has suggested that any amount exceeding the product of a 1*d.* rate or at least a 2*d.* rate, should be met out of the county or district funds. The Home Office has pointed out that this is contrary to the long established principle that each local government area should bear the cost of its own elections, and the Rural District Councils Association agrees with that view. The Home Office considers that in any event it will be desirable to meet the difficulty that the cost of elections tends to take up too large a part of the rate which a parish council has powers to spend by providing either that this cost shall be excepted in reckoning the amount, or that, instead of the parish council being required to pay the expenses, the rural district council shall meet them as special expenses leviable separately on the parish.

AMENDING A CONVICTION ON APPEAL TO QUARTER SESSIONS

A correspondent has asked us to discuss the effect of the decision in *Meek* v. *Powell* [1952] 1 All E.R. 347; 116 J.P. 115, and to compare it with other decisions bearing upon the powers and duties of quarter sessions when hearing appeals from the decisions of magistrates' courts.

We start with the Summary Jurisdiction Act, 1879, s. 31 (1) (vii), as follows:

"Quarter sessions may by their order confirm, reverse or vary the decision of the court of summary jurisdiction, or may remit the matter with their opinion thereon to a court of summary jurisdiction acting for the same petty sessional division or place as the court by whom the decision appealed against was given, or may make such other order in the matter as they think just, and by such order exercise any power which the court of summary jurisdiction might have exercised . . ."

It is urged by our correspondent that previous decided cases established two propositions. The first is that the hearing of the appeal by quarter sessions is an entire re-hearing, and that the parties are not limited to adducing evidence and arguments on which they relied before the magistrates' court. The second is that preliminary objections which might have been taken before the inferior court and which have been waived there, as, *e.g.*, objections to the form of an information or to the absence of a summons, cannot be brought up upon an appeal to quarter sessions.

The first point is conceded. For the second our correspondent relies upon a statement in *Paley on Summary Convictions*, 9th edn., at pp. 708-9 and the cases there cited. One of these cases, *R.* v. *Stoddart* (1841) 1 G. & D. 654, we have not had the advantage of consulting. The other two are *R.* v. *Wiltshire JJ.* (1840) 12 A. & E. 793; 5 J.P. 44, and *R.* v. *Berry* (1859) 8 Cox 121; 23 J.P. 86. The former of these two cases concerned a proceeding in bastardy in which, before the petty sessional court, no objection was taken by the defendant to the failure of the applicants (the parish officers) to give him seven days' notice of the application before petty sessions. Instead, the defendant exercised his right to ask the justices to remit the matter to quarter sessions and entered into the necessary recognizance for that purpose. It was held that he could not thereafter object, on the ground of the lack of the seven days notice, that there was want of jurisdiction at quarter sessions to hear the case as the appearance and proceedings at petty sessions waived the objection. This is a short resumé of the case as given by Lord Campbell, C.J., in his judgment in the case of *R.* v. *Berry* (*supra*).

The case of *R.* v. *Berry* was one which came before the Court of Criminal Appeal in consequence of proceedings for perjury against one James Berry. He had been the defendant in bastardy proceedings taken by a woman, Martha Humphreys, and she had commenced these proceedings more than twelve months after the birth of the child. The relevant statute required that, when the woman made her application for the summons, there should be proof that the man alleged to be the father had paid money for the child's maintenance within twelve months of its birth. The woman did not make any statement on oath, before the issue of the summons, as to the payment of money within twelve months, and the summons served upon Berry did not allege that she had.

Berry appeared in answer to the summons, fought the case on its merits, and gave evidence on oath that he had never paid any money to Martha Humphreys. He was not believed, and was subsequently prosecuted for perjury in that, *inter alia*, he had sworn falsely that he had not paid money to Martha Humphreys.

One of the points argued for the defence was that the summons in the bastardy proceedings was issued without jurisdiction, in that there was no sworn proof before its issue of the payment of money, and that further proceedings under it were therefore without jurisdiction and that there could be no perjury in such proceedings.

This argument was met by the submission, *inter alia*, that the defendant, by appearing and contesting the case, had waived any objection as to the validity of the summons.

One of the five judges thought that proof on oath of the payments was a condition precedent to give the petty sessional court jurisdiction and that no subsequent appearance could cure the defect, but the other four judges, including Lord Campbell, C.J., thought that the defendant, by his conduct, had waived the irregularity, and it is stated in the judgment "no irregularity in the process to bring the defendant into court *in a civil suit* can be taken advantage of by him after he has pleaded and there has been judgment against him."

The other matters argued in that case are not material to this article.

Our first comment is that neither of these two cases is concerned directly with an appeal to quarter sessions from a conviction in a magistrates' court, and our second is that in *R.* v. *Berry*, Lord Campbell, C.J., speaks of the practice "*in a civil suit*."

Our correspondent refers also to the cases of *R.* v. *Recorder of Leicester, Ex parte Gabbitas* [1946] 1 All E.R. 615; 110 J.P. 228, and to a note at 114 J.P.N. 42 on the unreported case of *Hall* v. *Pattinson*, decided in 1949.

The former case was concerned with the authority of quarter sessions, in hearing an appeal against conviction for an offence against s. 35 of the Road Traffic Act, 1930, to allow the appeal to the extent of setting aside the order that the defendant be disqualified for holding a driving licence. The Lord Chief Justice said that if the Recorder could make any order which the summary court could have made, it seemed clear that he could find grounds, as the summary court might have done, for refusing to order disqualification, and the High Court held that the Recorder had jurisdiction to do what he had done.

According to our note at 114 J.P.N. 42, *Hall* v. *Pattinson* was concerned with an appeal against conviction for an offence under the Motor Spirit (Regulation) Act, 1948. In the summary court, an analyst's certificate was relied upon, but no copy of it had been served on the defendant at least seven days before the hearing. At the hearing of the appeal, the prosecution contended that at that stage the certificate was admissible or that, alternatively, the analyst could be called as a witness. The appellant contended that the appeal should be allowed because the certificate was the only evidence in the court below about the nature of the petrol. The Recorder accepted this submission and allowed the appeal.

The High Court sent the case back to the Recorder to hear the appeal. The Lord Chief Justice said that the defendant had waived his objection to want of sufficient notice of the certificate

by not taking the point in the summary court. The notice was for his protection, and he could waive it if he chose.

We come now to *Meek* v. *Pavell, supra.* In this case, the magistrates' court convicted a defendant on an information which alleged an offence against s. 24 (1) of the Food and Drugs Act, 1938. The offence alleged was committed on May 15, 1951. The said s. 24 (1) was repealed on October 26, 1950, although it was replaced, word for word, by s. 9 (1) of the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950. At the magistrates' court, no objection was taken by the defendant to the form of the information. He was duly convicted, and the form of the conviction forwarded to quarter sessions for the purposes of the appeal followed that of the information.

On the hearing of the appeal, the appellant contended that the informations were incurably defective and the convictions bad because, at the time of the convictions, s. 24 (1), *supra*, had been repealed. Pausing there, we should have thought that the relevant consideration on this point would have been whether s. 24 (1) was in force at the time that the alleged offence was committed (*see* Interpretation Act, 1889, s. 38 (2) (*e*)). In fact, of course, it was not.

Two of the answers made to this submission were that the defendant, by not taking the point at the summary court, had waived his objection to the form of the information and that in any event quarter sessions could do what the summary court might have done and could amend the informations.

Quarter sessions held that they had no power to allow amendment of the information after conviction, and they allowed the appeal and quashed the conviction. The High Court upheld the decision of quarter sessions. Byrne, J., quoted s. 31 (1) (vii) of the Summary Jurisdiction Act, 1879, and said " in my view s. 31 (1) (vii) gives no power to quarter sessions to exercise a power which petty sessions could not exercise. Once petty sessions have recorded a conviction on a summons they have no power thereafter to amend the summons. The power of quarter sessions is derived through that of the justices at petty sessions, and it follows that quarter sessions have no power to amend a summons in such circumstances. What was before quarter sessions in the present case was a conviction under a repealed enactment, and, in my view, that could not be cured by any statutory authority that the justices at quarter sessions had."

The Lord Chief Justice pointed out that in the Court of Criminal Appeal, if a conviction was based on an indictment charging an offence under a wrong section, that Court would have no option but to quash the conviction, although the court of trial would have had power to amend the indictment. He saw no reason why, in the absence of statutory authority, quarter sessions, as a court of appeal, should be given larger powers than those possessed by the Court of Criminal Appeal.

It seems to us that the real distinction to be drawn between *Meek* v. *Powell* and the other cases is that in that case the appeal court was faced with a conviction which was bad on the face of it. The appeal is a hearing *de novo* of the matter which was tried by the magistrates' court, and not a hearing for the first time of one which was not before the court of first instance. A valid information could have been before the magistrates' court either by being originally laid or, in the discretion of that court, by amendment before the case was tried ; but we think that quarter sessions must be limited to hearing an appeal against conviction for the offence which was the subject of the proceedings in the lower court. Once the conviction has been recorded there, then we think that any subsequent proceedings must be based on the conviction in the form in which it was recorded, and it cannot be amended except possibly to correct an obvious clerical error. The defendant, assuming that he was not aware of the error at the time of his trial, could not, we submit, waive the error in the conviction so as to make it a lawful conviction. Once the defect became apparent, we think that the conviction was bound to be quashed.

We suggest, therefore, that the answer to our correspondent is really that *Meek* v. *Powell, supra,* is not in conflict with the other cases but is concerned with a point which did not arise in those cases, that is the impossibility of upholding a conviction which because it alleges an offence against a statute no longer in force, is bad on the face of it.

THE PROBLEMS OF THE COMMITTEE SYSTEM IN LOCAL GOVERNMENT

By IVOR L. GOWAN

The organization and functioning of the committee system in local government are attracting a good deal of attention at the moment. In the past the discussion of the reform of local government has centred around problems of areas, boundaries, functions and finance. Indications of a new trend are to be found *inter alia* in the Second Report of the Local Government Manpower Committee[1] together with the Reports of the Associations of Local Authorities to that Committee and in the Presidential Address of Mr. Jack Whittle to the Institute of Municipal Treasurers and Accountants in June, 1952.

The Report of the Manpower Committee was concerned with the question of internal delegation and devolution.

Para. 17 : " In order to reconcile the final responsibility of a council for the conduct of their affairs with the requirements of simple and speedy administration, *a proper distinction must be established between the formulation and* the application of policy."

[1] Cmd. 8421.

Mr. Whittle turned his attention to the number of committees on which councillors were called upon to serve and the detail with which they were encumbered. He advocated that committees should delegate as many routine items as possible, some to their chairmen and others direct to officers in order to achieve :

" Fewer committees and sub-committees, a reduction in the quantity of literature sent to members, and a much greater opportunity for members to give that close attention to important matters of policy that are so vital."

Mr. Whittle's appraisal of the committee system appears to me to indicate a state of affairs that needs examination. The Local Authority Associations in their reports to the Local Government Manpower Committee criticize the worst distortions of the committee system and offer serious and sensible measures of reform, some of which I shall examine later. A good deal of evidence indicates that the present functioning of the system is unsatisfactory in many respects. In this paper I propose to examine

some of these failings as well as to stress those aspects of the system which are of value.

Let us first call to mind some of the principal features of the committee system. One presentation of its outlines in the boroughs is to be found in Redlich and Hirst's *Local Government in England*:

"The life and work of a municipality result from the association of three factors—the town council, the committees, and its permanent officials. The officials are the purely executive organ: they take their orders from the committees which are the administrative organ proper. These again are under the regular control of the council which exercises a general supervision over administration and decides all important questions of policy and of organization. Technically then the council may be described as the deliberative organ, the committees as the specialist organs of administration."

Nothing could be simpler. But of course it is a description of a formal pattern of organization, not of dynamic administration. Nevertheless we may well stick to the term "organs of administration" in our consideration of the committees.

The legal framework of the committee system is not complex. The greater part of it is contained in the Local Government Act, 1933, ss. 85-97 which made uniform the conflicting provisions for different types of authority that existed in earlier legislation. Section 85 (1) reads:

"A local authority may appoint a committee for any such general or special purpose as in the opinion of the local authority would be better regulated and managed by means of a committee and may delegate to a committee so appointed, with or without restrictions or conditions as they think fit, any functions exercisable by the local authority either with respect to the whole or a part of the area of the local authority, except the power of levying, or issuing a precept for, a rate or of borrowing money."

Apart from this provision, Parliament has laid down that for certain services a local authority must appoint a committee.

"These services are education, police, children, health, welfare, allotments, diseases of animals, small holdings; in the case of county councils, fire brigades and public health and housing: and, in the case of county councils and metropolitan borough councils, finance. (Although the London County Council is not required to appoint a committee for diseases of animals, fire brigades, and public health and housing)."[2]

With these exceptions an authority may please itself what committees it appoints. Even in those cases where a statute compels the appointment of a committee there is generally no limitation on the size of the committee, though there may be special provisions for co-option. The result of this flexibility is the great variety of committee structure in local authorities. This variety extends to the size of committees, the number of committees on which each member serves, and the degree of delegation extended to committees. The standing orders of an authority, its instructions to committees, and the report of the annual general meeting, are the sources for discovering the committee organization of each authority. But the conventions and understandings within each authority, together with the influence of the political parties—this, too, in a way peculiar to each authority—can only be discovered by a much closer scrutiny of each authority.

The result of this diversity makes generalization on the committee system almost impossible. Tendencies rather than rules, partial rather than complete descriptions, must satisfy us. Nor should we omit to take note of its many advantages.

[2] Cmd. 8421: Appendix IX: Paragraph 1 (*a*).

At the same time the evidence suggests that many authorities are not quick to adapt the organization of their committees to changing needs. In many cases development is piecemeal. Let us admit that the imposed statutory committee must bear some of the blame for this. Complete re-organization even at long intervals is rare. Committees which have little to do remain when their usefulness has vanished. The reason for this rigidity may often rest with personal factors: the reluctance (for example) to let chairmanships go. In my opinion this slow responsiveness of the system is a serious and unnecessary defect. The council's annual meeting gives the time and occasion for re-assessment. One wonders why it is not taken more often.

I do not propose to examine the argument whether the "vertical" or "horizontal" principle in the structure of committees is the more advantageous.[3] The English practice favours the "vertical" arrangement. But there is a tendency to make a greater use of the alternative arrangement, *i.e.*, the committee having links with the affairs of the whole of the council's administration. The finance committee has always been of this nature. Establishment committees with the task of viewing the range of people employed are becoming more frequent. "Purchasing" or "stores" committees are more rare. But there is frequently an arrangement whereby a committee making considerable purchases acts for the council. An example is a transport department, buying all uniforms.

I come now to the relationship between the committees and the officers of the council. The A.M.C. Memorandum on the committee system sums up the position in these words:

"It is a feature of local government that the activities of the elected representatives extend further into the sphere of executive action than they do in the civil service, but these activities can extend too far and if members spend overmuch time on the details of executive action then the whole procedure is slowed up. Excessive attention by members of local authorities to matters of detail instead of concerning themselves with matters of principle which are essentially their province is inimical to efficiency and expedition."

It is at this point that the neat delineation of duties between committees and officers becomes a distortion. A narrow view might suggest that the officer is merely responsible for implementing the decisions of the committee. But the facts are otherwise. The officer is a full-time professional man fully conversant with the field in which the committee operates. Is it to be conceived that the policy decisions of the committee are taken without his advice? In many cases the subject-matter of any of the committees is so complex that the chief officer inevitably guides the committee in its decisions. It is impossible to be precise on this point, but my impression is that in most cases the broader issues which come before a committee are the result either of (*a*) the advice of a government department, or (*b*) the suggestion of its own officer.

To sum up the most important consideration on this point. The imparting of advice to his committee on major items of policy is the function of the chief officer. His experience and his training are far more vital for this aspect of his duties than for executive functions. At the same time the committee should be capable of giving due consideration to this professional advice. Those factors which prevent senior officers giving their attention to matters of policy and which preclude the committees from considering them must be deemed the failings of the committee system.

[3] The "vertical" arrangement is usually a description of the system whereby a committee is responsible for one department of the council. The "horizontal" arrangement applies to a system whereby the committees concerned apply themselves to an aspect of the council's activities that is not confined to a single department.

There is a tendency for committees which should be concerned with major matters to get immersed in detail. This is not to suggest that the individual committee member himself tries to instruct officers on matters of execution (though this is not unknown), but that the committee itself becomes choked with detail. The degree to this which happens varies. Frequently the committee does not lay down a policy which its officers may follow, but itself wastes its own and its officers' time in pointless discussion of unnecessary detail. The waste in manpower through this is noticeable, and its repercussions are of importance for the whole system of local government. This criticism is not to deny the right of the committee member to question chief officers on detail : my point is that, if a policy is clearly laid down, the automatic submission to committee of executive decision is unnecessary.

The co-ordination of the work of committees remains one of the *arcana imperii* of the clerk. Beyond the integrative functions of the finance committee, a study of committee organization gives few clues as to how it is done. Here and there, there are obviously powerful committees such as Sheffield's " Finance Consultative Committee " and Coventry's " Policy Advisory Committee." Sometimes the " general purposes " committee is strong, but in other cases is a weak residuary committee with heterogeneous functions. In some case a sub-committee of finance and general purposes will serve this function : in other cases it is done outside the committee room altogether. One suspects that in some authorities little attention is given to the co-ordination of the work of the committees. But this is evidence of weak administration, not of any inherent weakness in the committee system.

One of the recommendations of the Local Government Manpower Committee was concerned with the relations of committee and council :

" In order to reconcile the final responsibility of a council for the conduct of their affairs with the requirements of simple and speedy administration, a proper distinction must be established between the formulation and the application of policy. Unless the power to take decisions is effectively delegated or devolved, the time of the council will be unnecessarily occupied in the discussion of detail. This is wasteful in itself and likely to prevent the council from giving adequate time and attention to the study and discussion of questions of major policy."[4]

One may state the two issues. In the one case the committee makes recommendations which require the approval of the council ; in the other case the council devolves upon the committee the right to make decisions without further approval. As we have seen earlier (para. 6) a council may delegate any function to a committee, except the raising of a rate or a loan. One may note that while county councils enjoyed these powers from their inception, the boroughs did not receive them until the Local Government Act, 1933. In most county boroughs they are not used to a wide degree, except for a few of the larger cities like Newcastle, Bristol, Birmingham and Nottingham, who already possessed the powers under private Act, in most cases. In these four cities delegation to committees is carried to the statutory limit. For the rest there is immense variety.

In some county boroughs there is what can only be called *de facto* delegation. In these cases the town clerk selects from committee minutes those items which he considers need confirmation by the council. The rest do not come before council. This empirical device is, of course, subject to some misunderstanding.

Delegation has obvious advantages, provided it goes with full and comprehensive reports from committees to council. Another essential point is that the council should retain certain " key-points of control "—to use the phrase chosen by the Local Government Manpower Committee in describing central local relations. The County Councils Association's memorandum suggests that it should not be difficult to work out as between council and committee a similar system of key-point control. The C.C.A. Report goes on to suggest that a committee would not proceed to exercise them in cases where :

(*a*) Policy is changed, introduced or extended.

(*b*) The subject is of such nature or magnitude that common sense indicates the desirability of its being discussed by and made the responsibility of the council.

(*c*) The matter concerns other committees of the council.

(*d*) There is a substantial measure of discussion or considerable controversy is likely to be aroused.

(*e*) There are recommendations of joint sub-committees. These conditions assure that delegated powers are exercised in such a way that the council itself is not only aware of new developments but may discharge its responsibility for central policy.

The " key-point " of control may be safeguarded by reservations in any scheme of delegation. Statutory reservation is enforced in the conditions that only the council may borrow money. The C.C.A.'s list of further reservations is again useful :

(*a*) The establishment of departments.

(*b*) The appointment of members of council to outside bodies.

(*c*) The undertaking of any cost, debt, or liability other than or exceeding those provided for in the annual budget.

(*d*) The creation or variation of the remuneration of any office under the council, save as may be obligatory by statute or regulation or as may be recommended by every salary or wage regulatory body.

(*e*) The establishment of joint committees : the submission of development plans : the submission of schemes of divisional administration or of delegation to county district councils, and the variation and revocation thereof.

(*f*) The purchase or other acquisition of land or buildings and the sale and letting (above limits prescribed by the council) or other disposal of land and buildings.

The adoption of such a scheme of delegation, combined with adequate reports to the council, would lead to a much clearer distinction of the respective roles of council and committee. It should speed up administration and concentrate the attention of council on major items of business.

At this stage it may be appropriate to stress one of the greatest contributions of our local government committees, namely, the close link between official and public, between the administrator and the community. The system is sensitive to a high degree to criticism by the public. It reflects public wants and needs to an extent that any other institution would find impossible.

At the same time, a close investigation seems to indicate urgent factors on the other side which may be summed up here.

The system as operated in most authorities fails to take account of the respective roles of councillor and officer. Indeed in many of its presuppositions the committee system seems to ante-date the rise of a full time, salaried, professional local government service. The most apparent indication of this breakdown is the failure to make a proper distinction between policy and execution, and the amount of executive detail that comes to the committee table.

The consequences of this affect both the officers and the councillors. Let us first consider the results for the officers.

[4] Cmd. 8421 : Paragraph 17.

The presentation of detail to the committee is in itself a serious misuse of the time of experts. Not only is action delayed, and records multiplied, but officers themselves have to attend the committees, when their time and energy might be far better employed.

It is also apparent that the demands of the committee system result in the augmentation of the staffs of local authorities. The presentation of committee minutes, the compilation of figures and statistics, the recording of executive action, involve additions to the staff of each department. The Local Government Manpower Committee makes no recommendation on these points.

What are the remedies? It would be presumptuous to lay down rules. Nothing should detract from the flexibility of the system and its responsiveness to the needs of each authority. At the same time nothing prevents the committees from serving as a link between administration and the public.

We assume, too, that the basis of local government is unaltered, and here I want to lay particular stress on lay control of administration. But lay control of administration does not involve excessive lay control of executive action. The role of the committee is to give facilities for the interplay of professional advice and the wishes of the councillors on matters of policy. Could there not be a self-denying ordinance to avoid executive detail at the committee meeting? Of course, the councillor should have the right to call attention to cases that come to his notice where executive action seems to be at fault.

Councils should make use of their powers of delegation to committee to a much greater degree than is usually the case, with clear reservation of certain subjects. The aim should be to make the council a deliberative body, confining itself to the larger issues, *e.g.*, the budget, capital projects, priorities.

The measures suggested in the preceding two paragraphs should introduce a much needed element of simplification into the committee system. Each committee should be able to take a wider range of functions and this should lead to a substantial decrease in the number of committees and their consequential burdens.

EMIGRATION FROM THE UNITED KINGDOM

By JOHN MOSS, C.B.E.

A study has been made of the available statistics relating to migration by N. H. Carrier, M.A., and J. R. Jeffery of the General Register Office, and their report is published by H.M. Stationery Office. Two years ago I spent some months in Australia and saw how their immigration policy is being implemented. I visited many of the reception centres, and those in which migrants are sometimes accommodated for longer periods. In recent months there has been some adverse criticism in the British Press of the treatment of migrants in Australia due to the publicity given to strikes against the payment of higher charges, in certain of the Government hostels, and also to a few cases in which migrants, on reaching Australia when the economic crisis arose last year, did not obtain the type of employment which they expected to obtain. The hostels which I saw, including a very large one at Melbourne where the trouble arose, provided generally good accommodation, but naturally those there wanted to get homes of their own and be able to live independently. The majority of those in the hostels realize, however, that the Government is making reasonable provision for them until separate housing units are available and that in the meantime they are being well treated whilst earning higher wages than most of them would have earned in this country. The percentage of migrants who write home complaining of the conditions is very small.

There is a scarcity of informed literature on emigration and the Registrar General has therefore done well in allowing the authors of this book to engage in a considerable amount of research so as to put the position objectively and with a proper balance. It is sometimes suggested that emigration from the United Kingdom should not be encouraged as, in general, it is the young, the virile and the adventurous who go overseas. As pointed out by the authors of this book, large-scale migration could have serious effects on the future of this country. It is from the ranks of the workers that migrants come so that any large-scale migration on an individual basis is bound to increase the ratio of dependants left behind, and this makes even heavier calls upon the social services. On this point I know that Australia expects that some of the younger migrants will be accompanied by one of their parents or that the parent may follow when a home has been established. In the past there have been difficulties because there were no reciprocal social security arrangements and there was a risk that the younger people would have to maintain their parents if they took them. The reciprocal agreement recently signed between the two countries should overcome this difficulty and result in some older people going overseas. It is important, however, in considering this matter generally, that a sense of proportion should be maintained. The Royal Commission on Population, assuming a steadily maintained annual net emigration of 100,000 persons of a sex and age distribution similar to that of emigrants from the United Kingdom in 1921—32 came to the conclusion that the effects on age distribution would be comparatively unimportant. The position was easier when the countries overseas were mostly in need of agricultural workers. As those countries have developed there has arisen a need for skilled mechanical and industrial workers. But it must be borne in mind that the man employed in agriculture, on a sheep station or on a cattle ranch, is all the more useful if he has mechanical knowledge as it is often too far to send for someone from the nearest town if there is an implement to be repaired or a sick animal needing treatment.

RECORDS OF MIGRATION

The authors deal historically with the subject as indicated by the census records although these are far from adequate for any detailed study of population movement to be made. The rate of net outward flow from England and Wales reached its peak in the 1881-1891 decade, although the greatest numerical loss of population was in 1911-1912. In the period from 1931 to the end of the Second World War, there was a heavy flow of population back to England and Wales. Emigration was encouraged in the early days to relieve unemployment in the case of adults and, in the case of children, to take them out of the slums: which was the impetus of Kingsley Fairbridge in launching his child migration scheme to Australia and Canada. In 1834 the Poor Law Authorities were given power to assist migration and were lent money for the purpose by the Treasury. Following the foundation of Botany Bay as the best convict prison which this country could find to replace the one which the secession of the American Colonies had closed, there was an opening-up of Australia as a land for British settlement, spurred on by the promptings of far-sighted reformers who deprecated the idea that emigration was merely a means of ridding the country of paupers and undesirables.

The outbreak of the first World War brought to an end an era in British migration history. From then onward the freedom of movement of migrants was to be strictly limited and the receiving countries were to erect formidable barriers to exclude all but the most acceptable. The balance of British migration had been steadily outward. It is estimated by the authors of this book that up to 1914 over twenty million persons had gone to destinations beyond Europe and that of these about thirteen million had gone to America, some four million to Canada, and approximately 1½ million to Australia. After the war a scheme was devised for the emigration of ex-servicemen and women who were offered free passages for themselves and their dependants, provided they were approved by a Dominion Government. In the three years during which this scheme operated, 86,000 persons went overseas, the majority to Australasia. In 1927, the Government decided under the Empire Settlement Act of that year to co-operate financially with the Overseas Governments by providing for the spending of up to £3 million a year on state-aided migration subject to at least half the cost being contributed by some other authority. The first attempt at large-scale land settlement under this Act was made in Western Australia. But the pioneering spirit was lacking in the majority of the migrants. They adopted the attitude that as it was a government-financed scheme they personally had nothing to lose by abandoning it. The number who finally settled down after some £9 million had been spent on the scheme was extremely small. I saw some of the holdings which were taken up under this scheme. Some of them failed through inertia but others because of lack of experience. This scheme taught the Australian authorities that it is no use trying to establish migrants in farming or any other business on their own account until they have been trained or had practical experience of the industry. This is where farm training schemes for juveniles such as those organized by the Fairbridge Society and Dr. Barnardo's Homes are so useful.

The main Canadian contribution to group settlement was the introduction of 3,000 families for farm work in 1924, with financial assistance from both the Canadian and the British Governments. Later, specially reduced transport fares were arranged for individual migrants, but this scheme had only been in operation for three years when it was withdrawn on account of the economic depression in 1931. Fifty-eight thousand migrants took advantage of this scheme, being half the total British migrants to Canada in this period. Taking the whole period between 1922 and 1931 there were 1,100,000 migrants from the United Kingdom to the Dominions overseas of whom only 400,000 found it necessary to obtain assistance under the Empire Settlement Act, and of these only 30,000 went to group land settlements. The Empire Settlement Act was renewed in 1937 and again this year.

EXPERIENCE IN 1945-1950

The arrangements which were made for the granting to ex-service men of free passages overseas after the second world war were not so extensive as those arranged in 1919. Problems of economics, of transport, of housing and of man-power were looming larger. There was, however, a free passage scheme for ex-service men and women who applied before the end of 1948 and an assisted passage scheme, under which a fare of £10 was payable in respect of each person aged nineteen and over for those who were not qualified for the free passage scheme. By the end of 1950, 100,000 had migrated under these schemes. The housing position in Australia, however, caused a serious difficulty and in 1950 the Australian Government introduced the Commonwealth nomination scheme under which they nominated workers in certain trades to be brought with their families and accommodated in Government hostels until such time as they could find their own accommodation. Since the authors completed their survey the scheme has been modified and for the time being only privately nominated migrants are being assisted.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 52.

SCOTCH-TYPE WHISKY—AN INTERESTING DECISION

A limited company, manufacturing whisky, was charged recently at Formby Magistrates' Court with selling pre-packed food without a label containing a true statement specifying the appropriate designation of the product, contrary to arts. 3 and 4 of the Labelling of Food Order, 1953. The particulars of the charge referred to a bottle of whisky sold in April of this year, upon which there was a label carrying the words "Old Wilkie Scotch-type Whisky" and "Produce of Holland."

The prosecution was initiated by a Food Officer of the Lancashire County Council, and Mr. George Bean, who prosecuted, said that the case was brought with the consent of the Ministry of Food under the Defence (Sale of Food) Orders, 1943-45, by which the Minister of Food was empowered to make labelling of food regulations. He submitted that Scotch whisky, by law and by custom generally in the Trade, was whisky wholly distilled in Scotland. "That is in many ways the crux of this case", he said. "There is no such thing as Scotch-type whisky". He said there was a picture of a Scotsman on the label in question. "One might think that there would be a picture of a Dutch girl on it, if there had not been some intent", he said.

The words "Old Wilkie Scotch" were in large gold letters. The rest was in black. There was a Glasgow address on the label, but the address was found to belong to "J. K. Wilkie, engineers' agents". "That it seems to be little more than an accommodation address is not without significance", said Mr. Bean.

The managing director of a firm of licensed grocers in Formby, where the whisky had been sold, stated that a subsidiary company had bought the whisky from the defendant company in 1952, but as he had not been happy about the original labels on the bottles, new labels were submitted in October last.

A witness from Glasgow gave evidence that he had thirty-one years' experience in the Scotch whisky industry. Scotch, he declared, was distilled in Scotland, but there was no such thing as Scotch-type whisky.

Whisky was a generic term, Scotch was Scotch purely by the geographical location of its manufacture.

For the defendant company, which pleaded Not Guilty, Mr. Leslie Rigg, Counsel of Liverpool, to whom the writer is greatly indebted for information, stated that there was no real dispute about the facts of the case. He maintained that in the regulation quoted the object was to prevent a lay person from being misled into buying something which, in fact, he was not buying. He said: "Strictly, one would say that if the words 'type' and 'produce of Holland' were in tiny print, although it would be clearly misleading, there would not, I submit, be a breach of what we are charged with here on the summons. Those words are not in small type. This label was not, in fact, misleading. How could anybody suppose, reading that label, that the whisky was produced in Scotland? It could be construed that the words 'Produce of Holland' negatives the mischief at which the order was aimed".

The court retired and after half an hour's deliberation, the magistrates stated that they found the offence proved and imposed a fine of £50. They also ordered the defendant company to pay £14 costs.

Mr. Rigg then informed the magistrates that his clients, when drawing up the label, had asked the Ministry of Food for its advice, but the Ministry had declined to give an opinion.

COMMENT

Article 3 of the Order which came into force on April 5 of this year, forbids the sale by retail of any pre-packed food unless there appears on the label marked on or securely attached to the wrapper or container a true statement as to the matters referred to in art. 4.

Article 4 (4) (*a*) provides (*inter alia*) that in the case of intoxicating liquor pre-packed for sale as such the statement shall specify the appropriate designation of the product.

Article 2 (1) of the Order defines "Food" as meaning any article used as food or drink for human consumption and art. 4 (4) (*b*) defines "appropriate designation" as meaning a name or description, being a specific and not a generic name or description, which shall

indicate to a prospective purchaser the true nature of the product to which it is applied and in particular (i) such appropriate designation shall include or be accompanied in the said statement by the name of the country of origin of the liquor and (ii) geographical names which are not names for distinctive types of intoxicating liquor shall not be applied to liquor produced in any locality other than the particular locality indicated by the name.

The defendant company were charged with " selling by retail " by virtue of the provisions of art. 13 (3) of the Order, which enables the local authority to proceed against the persons really responsible for the commission of an alleged offence.

The defendant company had complied with a further provision of art. 4 to the effect that where any liquor is described in terms which might infer or suggest that it is a distinctive type of intoxicating liquor which has originated in a particular country or locality and the liquor is not, in fact, the produce of that country or locality, the name or description shall be immediately preceded by an adjective indicating the true country of origin printed in such a manner as to be substantially as conspicuous as such name or description.

There can be no doubt that an offence was committed in this case by the defendant company but it is fair to comment that this was not one of those cases where an effort was made to mislead a purchaser for, as was urged by Mr. Rigg at the hearing, the use of the word " type " meant, and could only mean, that the whisky was of the type produced in Scotland, and if there was any doubt about that, the words " Produce of Holland " could not permit of any belief that the whisky was produced in Scotland. In these circumstances, it appears to be fair comment to suggest that the offence of which the defendant company was found guilty might properly be described as being of a technical nature. R.L.H.

PENALTIES

Birmingham—August—Assault occasioning actual bodily harm—fined £10—defendant, a man of nineteen had an argument with a man of forty-nine in a public house and the older man invited the other outside to " have it out ". After defendant had knocked the other man to the ground he struck him several blows about the head and face and also kicked him causing among other injuries a fracture of the nose and a fracture of each cheekbone.

Bristol—August—Being in unlawful possession of 514*lbs.* of mutton—fined £30 to pay £3 3*s.* costs. Defendant, a butcher, was found to be in possession of five sheep's carcases which had not come through the proper channels. They had been freshly slaughtered. Defendant said he did not know where they had come from and was amazed when his attention was drawn to them.

Bristol—August—Selling meat at above the maximum retail price (one charge)—attempting to commit the same offence (thirteen charges)—fined 30*s.* on each charge and to pay £2 2*s.* costs. Defendant, a son of a butcher, was stopped while delivering meat from the van. The party returned to the shop where it was found that the total sale price of the meat exceeded the permitted maximum by £1 8*s.* 4*d.*

Middlesbrough—August—Selling ice cream below the required standard—fined £2 and to pay £2 costs. A sample was found to be forty-two *per cent.* deficient in fats.

Carlisle—August—Incurring £17 10*s.* credit by means of a fraud other than false pretences. Defendant, the holder of a university degree and with a distinguished career during the last war, arranged by telephone to hire a car. The next day he arrived and said that his own car had broken down. He persuaded a garage proprietor to accept a cheque for £17 10*s.* for the hire, plus £5 deposit and the cheque was returned " R.D." Defendant had two previous convictions, one for theft and one for an offence under the Insurance Acts.

Oxford—August—Causing an obstruction by opening a car door—fined £2. A cyclist who ran into the suddenly opening door was taken to hospital, suffering from head injuries.

Oxford—August—Keeping and dealing in uncustomed cigarettes (four charges)—fined £3 on each charge. Defendant bought the cigarettes from American soldiers and, the defence stated, sold some of them to relations at the same price as he gave.

Oxford—August—Leaving a car in a dangerous position—fined 10*s.*

Salisbury—August—Travelling on the railway without paying the fare—fourteen days' imprisonment. Defendant, who had three previous convictions for the same type of offence, stated he could not pay the £1 fare that he owed for a journey from Exeter to Salisbury.

CORRESPONDENCE

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

LOCAL LANGUAGE

The *Warwickshire Word Book* (English Dialect Society No. 79) (1895) describes a " godcake " as a cake which it was customary on New Year's Day for sponsors to send to their godchildren. In 1865 the practice was peculiar to the City of Coventry. (*Halliwell's Glossary of Warwickshire Words*); but by 1893 the custom had apparently spread to other parts of Warwickshire and on New Year's Day godcakes were hawked about the streets in a similar manner to hot cross buns on Good Friday.

The " godcake " varied considerably in size and price; but it was always *triangular* in shape. The word seems to have been applied since to the triangular pieces of turf at road junctions referred to in your " Notes of the Week " of August 1 in connexion with the motoring case at Nuneaton.

As a student of the Cotswold Dialect I have come to the conclusion that peculiar local words have not disappeared to the extent that is claimed in academic circles. Moreover, references to those words, such as your Nuneaton correspondent notes, arouse considerable interest among country readers.

Yours faithfully,
C. H. GARDINER.

Evesham Rural District Council,
Port Street,
Evesham.

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT, 1920
VARIATION OF ORDERS REGISTERED OVERSEAS

Adverting to Mr. P. D. Fanner's letter in your issue of August 22, 1953; it might further interest your readers to know of a case in which a provisional order of variation (increasing the amount of maintenance) was confirmed by an overseas court. In this the original order, made in 1946, was registered in the Falkland Islands in 1951, and the provisional variation granted in 1952. The same procedure, *i.e.*, transmission through the Home Office was followed, and in due course notice of confirmation received.

From this it would appear that, evidence apart, whether or not a provisional order of variation is confirmed is a matter of pure chance, dependent upon the view taken by the overseas court, and that in equity some reciprocal amending legislation is desirable.

Yours faithfully,
A. J. SCHOFIELD.

Magistrates' Court,
Green Man Lane,
West Ealing, W.13.

ADDITIONS TO COMMISSIONS

BRIDGWATER BOROUGH

Edwin John Davies, 88, Gloucester Road, Bridgwater.
Miss Elizabeth Mary Furze, 30, Fernleigh Avenue, Bridgwater.
Percy Wills, 39, North-field, Bridgwater.

FOLKESTONE BOROUGH

Graham Charles Sevier Hills, The Corner House, Shorncliffe Road, Folkestone.
Mrs. Jean Eileen Reynolds, 7, Godwyn Road, Folkestone.
Mrs. Florence Scriven, 11, Tyson Road, Folkestone.
Harold Richard Curnow White, 13, Avereng Road, Folkestone.

HIGH WYCOMBE BOROUGH

Mrs. Joan Hudson, Sideways, Pretoria Road, High Wycombe.
Charles Frederick Ward, 93, Plumer Road, High Wycombe.

REIGATE BOROUGH

Mrs. Winifred Anthea Clarice Kent, Thicket Lodge, 9, Somers Road, Reigate.
Mrs. Irene Sharman, 108, Croydon Road, Reigate.

REVIEWS

Stephen's Commentaries on the Laws of England. Twenty-first Edition. Supplement 1953. By L. Crispin Warmington. London: Butterworth & Co. (Publishers) Ltd. Price 5s. net.

Stephen's Commentaries is still the foundation of legal education for a large part of the profession, and the student needs to have it brought up to date, both for examination purposes and as a reminder that the law is always changing. The present annual supplement is (maybe) specially important, because references occur to the Magistrates' Courts Act, 1952, which was brought into operation on June 1, 1953. The date of publication of the supplement is given as April, 1953. Looking through it we notice also quite a number of useful new decisions, with which the articled clerk or young solicitor ought to make himself familiar. There is quite a lot upon the Rent Restrictions Acts and allied legislation, and some important information both about decisions of the courts and about new legislation on many other matters. Even the old hand at legal practice might usefully glance through the supplement as a reminder of things which he may have failed to notice fully.

The County Court Practice, 1953. By Judge Dale, Mr. Registrar Bruce Humfrey and R. C. L. Gregory. London: Butterworth & Co. (Publishers) Ltd. Price 75s. net.

The County Court Practice provides the daily guidance needed in a large part of the practice of many a legal office. The present edition takes account of the County Court Rules, 1952, which came into operation on January 1, 1953. Necessary amendments have been made in the text of the work, to show the effect of the new Rules, and six new forms which were too long to be included in the appropriate place in the text have been printed as an addendum. Amongst important new decisions will be found that in *Birch* v. *Wigan Corporation* [1952] 2 All E.R. 893; 116 J.P. 610, which is of interest to all local authorities in connexion with the Housing Act, 1936; *Becker* v. *Crosby Corporation* [1952] 1 All E.R. 1350; 116 J.P. 363, and *Cobb* v. *Lane* [1952] 1 All E.R. 1199, upon the sometimes vexed question whether an occupier is a tenant or a licensee. The extent of the jurisdiction of the county courts is illustrated by the inclusion, for example, of extracts from the Inebriates Act, 1879 (which is not usually thought of in this connexion); the London County Council (Woolwich Subsidences) Act, 1950; and the Lunacy Act, 1890.

Of more general interest is the Time and Practice Table in Appendix I, and the full set of forms, unavoidably divided in this edition between the body of the work and the addendum already mentioned.

Attention may also be drawn to the section of the book dealing with the Legal Aid and Advice Act, 1950, where the Act itself will be found followed by the Legal Aid Rules, 1950. These are fairly often wanted, and are likely to be wanted still more in the future. On all grounds this is the sort of work which no solicitor's office can do without, and which ought to be found also in the office of every local authority, since there are quite a number of matters where county court jurisdiction affects the local authority's work, and a great variety of enactments is collected, conveniently for reference, in this single volume.

Delegation of Services within Counties. By J. R. Sampson. London: Institute of Municipal Treasurers and Accountants (Incorporated). Price 25s. net.

The sub-title of this work is "a factual survey." It was produced by Mr. Sampson, who is County Treasurer of Staffordshire, under the auspices of the research committee of the I.M.T.A., and covers thirty-eight selected counties. It deals with health services, education, planning, civil defence, highways, children and welfare, and has separate chapters discussing the principles of delegation. Much of the work consists of tabular statements, or other statements showing the arrangements in force, the author's aim being to show the true facts as they exist at the present time rather than to make a case. In the arguments now proceeding about the proper form of local government, delegation must be more and more discussed since those who believe in large authorities are constrained to recognize that delegation is needed, to bring the actual working of services nearer to those affected, whilst those who believe in small authorities are divided between a desire to have services delegated and a desire to have services performed by the small authority as a right and not by delegation. It is important for all who are taking part in these discussions to appreciate the true facts, which are not always easy to discover. Each contestant is only too likely to base his arguments upon what he has seen in his own county, or upon what has come under his notice of a difference of opinion between his own local authority and some other. Mr. Sampson's book should therefore have a wide circulation amongst all those persons who wish to understand how local government is actually working at the moment.

DANGEROUS PREMISES—II

By J. A. CÆSAR

(*Concluded from p.* 582, *ante*)

Turning now to s. 58 of the Public Health Act, 1936, subs. (1) provides, *inter alia*, that in the case of "any building or structure, or part of a building or structure," which "is in such a condition . . . as to be dangerous to persons in the building or any adjoining building, or on the premises on which the building or structure stands or any adjoining premises, . . . the [local] authority may apply to a court of summary jurisdiction, and the court may . . . make an order requiring the owner thereof to execute such work as may be necessary to obviate the danger or, if he so elects, to demolish the building or structure, or any dangerous part thereof, and remove any rubbish resulting from the demolition."

The first point of interest to observe is that this section does not specifically refer to buildings, etc., which are dangerous to "passengers." It might, of course, be argued that, since, by s. 343, "premises" are defined as including "lands, easements and hereditaments of any tenure," and "land" as including "any interest in land and any easement or right in, to or over land," a "street" (or, at least, the right of passengers to pass and repass over and along such street) would fall within the expression "any adjoining premises" as used in s. 58. Whatever the merits of such an argument, and they would not seem to be of very great weight in view particularly of the amendment made by the 1936 Act to the provisions of s. 160 of the Public Health Act, 1875, the question is one which is unlikely to be of other than academic interest whilst the provisions of ss. 75-78 of the Towns Improvement Clauses Act, 1847, remain in operation.

Further points of interest are (i) that, except to the extent of the shoring up or fencing off that is permitted in cases of urgency under subs. (3) of s. 58 of the 1936 Act, the obtaining of an order from the magistrates is a necessary preliminary to the local authority becoming entitled to enter legally upon the land and incur legally recoverable expenditure (as to which *see* ss. 58 (2) and 291-294) in respect of the execution of works in default, (ii) that no notice requiring the execution of works or taking of steps need be served by the local authority upon the owner or occupier before the local authority can apply for the court order, (iii) that the section does not *require* the local authority to sell the materials resulting from any demolition effected in default (or effected in pursuance of an agreement under s. 275) and to account to the owner therefor, although the local authority *may* so do under s. 276, (iv) that, even as regards any "urgent action"

under subs. (3) of s. 58, it is the local authority, and not their surveyor, who must authorize the taking of any steps under the section, and (v) that the local authority's powers under the section are permissive and not mandatory.

In this latter connexion it will be noted that subs. (2) of s. 58 (which empowers the local authority, if the owner does not comply with the magistrates' order, to " execute the order in such manner as they think fit and . . . recover the expenses reasonably incurred by them in so doing from the person in default ") imposes upon the defaulting owner the liability " to a fine not exceeding £10 " but, unlike most other penal provisions of the Act, does not impose liability to a continuing daily penalty ; it is to be presumed, therefore, as pointed out in *Lumley* (12th edn., Vol. III, p. 2392), that the legislature considered "that if there were a continuing default . . . the proper course was for the local authority itself to step in and do the work rather than rely on daily penalties " ; such a presumption is, after all, the only reasonable and logical one, since it is obvious that all possible steps to obviate danger from " dangerous premises " should be taken with the minimum of delay, and it might, therefore, be wondered at that the powers of local authorities under the section are merely of a permissive nature.

The difference in the extent to which a local authority may incur liability in negligence or nuisance when acting in pursuance of a statutory power, dependent upon whether such power is mandatory or merely permissive, is outside the scope of this article but must not be overlooked in the consideration of the local authority's proposals to deal with a dangerous building, particularly, too, when one remembers that the local authority are, when taking action in default under subs. (2) of s. 58, authorized merely to " execute *the* [*magistrates'*] *order* in such manner as they think fit " and are not (as under various other default provisions of the Act) authorized to " execute *such work* " as they think fit.

What also must not be overlooked, particularly having regard to the desirability of the earliest possible action being taken to deal with dangerous (as opposed merely to " ruinous " or " dilapidated ") buildings, is the desirability of the local authority's powers under s. 58 being delegated to an easily convenable committee or sub-committee.

In this connexion it is interesting once more to refer to ss. 75 and 83 of the Clauses Act of 1847 ; as pointed out in the earlier article in this series, it is the " surveyor " who must, under s. 75, take certain action in the case of a dangerous building and, that action having been taken and the owner or occupier having defaulted, the " local authority " then come into the picture for the first time and must take the further steps specified in the section ; likewise, under s. 83, the steps to be taken are obligatory and not merely permissive, but it is the local authority who have to take those steps and not their surveyor. Furthermore, bearing in mind the question of urgency, it seems that, the powers having been appropriately delegated, the provisions of s. 83 are more convenient, and certainly simpler, than those of s. 75. (And, whilst on the subject of the distinction drawn by the 1847 Act between the powers and duties of a local authority and those of their surveyor, the writer must confess that he has not traced any statutory authority, if authority there be, whereunder the powers and duties of the latter have since been transferred to the former in the same way as, *e.g.*, by virtue of s. 144 of the Public Health Act, 1875, the powers and duties of a " surveyor of highways " have been transferred to the " highway authority ".)

Before finally leaving ss. 75-83 of the 1847 Act it may also be of interest to observe that, notwithstanding that the marginal note to s. 75 (and the provisions of s. 160 of the Public Health Act, 1875, in referring to s. 75) refer to " ruinous *or* dangerous buildings," s. 75 in fact deals only with ruinous buildings which are dangerous ; s. 58 of the 1936 Act, on the other hand, draws a clear distinction between and deals with buildings, etc., which are ruinous or dilapidated and buildings, etc., which are dangerous whether ruinous or dilapidated or not.

In conclusion, s. 58 of the 1936 Act being limited (like s. 75 of the 1847 Act) to buildings or structures or parts thereof, and there being a very real doubt as to whether the rubbish resulting from the complete or almost complete pulling or falling down of a building or structure can itself be said to be part of that building or structure sufficient to justify invoking the provisions of the section, some local authorities have, by private legislation, applied those provisions (or provisions to the like or similar effect) to the *sites* of " demolished, partly demolished or ruinous buildings or structures."

MISALLIANCE

A lengthy train of reflection will be started in many minds by the news that the Bronx Zoo, in New York City, is now housing a Zonkey—the offspring of a male zebra and a female donkey. Speaking disinterestedly, from the point of view of biological nomenclature, we feel it is a bad precedent to give the creature a name which takes only its initial from the male progenitor, and in the five remaining letters pays homage to the distaff side of the family. We offer the experts in natural history the alternatives of Zebkey or Donbra, in which the honours are even.

However, Zonkey he is for the time being, notwithstanding our disapproval—three weeks old, with his mother's long ears and his father's stripes. Richly endowed in this manner, the youngster should rapidly make his way in the animal kingdom. Inheriting from his mother the characteristics of infinite patience, dogged perseverance, physical strength and acuteness of hearing, and from his father fleetness of foot, sartorial elegance and a faculty for camouflage against dark backgrounds, this fortunate hybrid ought to make his mark in whatever vocation he decides to adorn. We are told nothing about his vocal chords, but if he takes after his mother in this respect he will be able, better than most, to hold his own in a raucous world of radio-comedians, crooners and jazz-vocalists of the ever-so-slightly-husky variety.

The news-item reminds us that such creatures are by no means rare, and instances two specimens presented, in 1830, to the Zoological Society of London by King William IV. Neither seems to have enjoyed great length of years, the one living to the age of seventeen and the other dying at ten years old. It would be interesting to have details of their careers, which would doubtless provide excellent examples for their American cousin to emulate.

Ever since the Abbot Johann Gregor Mendel, nearly ninety years ago, after carrying out a series of careful experiments in the cross-breeding of plants, promulgated his theory of the distributive mechanism of organic inheritance, the subject of heritable characteristics has been widely studied by biologists and reduced almost to a matter of *formulae*. It was the Mendelian hypothesis that gave rise to the well-known limerick, which is worth quoting for its concise and epigrammatic exposition of the principle :

" There was a young lady called Starkey
Who had an affair with a darkey ;
The result of her sins
Was triplets and twins—
Three white, seven black, and one khaki."

The beneficial effects of mating differently constituted germplasms are well-known. Heterosis, as it is technically called, generally results in a marked general vigour in the hybrids. The best example is the mule which, sterile as it is, is hardier and stronger than either of its parents.

Similar claims have been made by scientists for the effects of cross-breeding in human beings, despite the prejudice among certain nations against so-called miscegenation—a prejudice which persists today. The rule of exogamy—marriage outside the immediate social group—is found to exist very early in history, and is common to many primitive and civilized peoples alike ; some anthropologists have postulated its origins in the practice of female infanticide, which led to a shortage of women within the tribe, and forced the men to seek wives elsewhere. On the other hand, as has been pointed out by Sir James Frazer and others, the converse rule of endogamy—marriage within the particular social group concerned—is almost equally common. The one or other rule seems to be dictated by local conditions, and neither system appears to have produced those disastrous results about which polemical persons on either side have dogmatized.

Satirical persons other than composers of limericks have poked fun at the Mendelian *formulae*. There was a story that the late George Bernard Shaw, in his early middle age, received an invitation of a pressing and intimate nature from an actress more celebrated for physical attractiveness than for mental capacity. They ought, the lady is reported as saying, to get together and produce a eugenic child which, with Shaw's brains and her beauty, would be a very paragon. The reputed reply of the great man was that he was honoured by the suggestion, which however he was led to decline by the reflection that the child might be endowed with *his* beauty and *her* brains. As he might appropriately have added, " You never can tell ! "

Some vague association of ideas has at different times led to the confusion of hybridism with bastardy. Both are by derivation derogatory terms : *hybris* is Greek for " insult ", while *bast* was Old French for " pack-saddle ", implying that the offspring was begotten casually by the wayside and not in the marital bed. Thus, even a sensible girl like Perdita, in *The Winter's Tale*, brought up to a country-life, thinks it not quite " nice " to grow cross-breeds in her garden :

" The fairest flowers o' the season
Are our carnations and streak'd gillyvors,
Which some call ' nature's bastards ' ; of that kind
Our rustic garden's barren, and I care not
To get slips of them . . . For I have heard it said
There is an art which in their piedness shares
With great creating nature."

Florizel's rejoinder to this somewhat prim attitude is an anticipation of the Mendelian theory :

" You see, sweet maid, we marry
A gentler scion to the wildest stock,
And make conceive a bark of baser kind
By bud of nobler race ; this is an art
Which does mend nature—change it, rather, but
The art itself is nature . . .
Then make your garden rich in gillyvors,
And do not call them bastards."

In the affairs of mankind the law, which often lags behind enlightened public opinion and scientific advance, has nearly always penalized bastardy ; even in England, despite recent reforms, the illegitimate offspring is still *filius nullius* and subject to various disabilities in regard to the inheritance of property. (Only in parts of Scandinavia has this discrimination been completely abolished.) Great humanists in all ages have fought such prejudices ; Shakespeare frequently emphasizes the wrongheadedness of the popular idea that bastardy carries with it a stigma of baseness. In *King John* the Bastard is the noblest of the characters ; in *King Lear* Gloucester's illegitimate son Edmund makes his protest, like Florizel, in Mendelian terms :

" Why bastard ? Wherefore base ?
When my dimensions are as well compact
As honest madam's issue. Why brand they us
With ' base ', with ' baseness ', ' bastardy ', ' base, base ' ?
Who, in the lusty stealth of nature, take
More composition and fierce quality
Than doth, within a dull, stale, tired bed,
Go to the creating a whole tribe of fops
Got 'tween asleep and wake."

Let none, then, call our friend the Zonkey " hybrid ", " bastard " or by any other opprobrious name, but let him find sympathy and understanding in a heterogeneous and imperfect world. Let him hold his head high among his fellow-creatures of legitimate lineage, and rejoice in the diversity of the high qualities which his parentage has bequeathed. A.L.P.

MAGISTERIAL MAXIMS, No. XI

Once a Certain Rogue, whose Criminal Record and Antecedents were such that any Summary Trial of an Indictable Offence committed by him would inevitably end in a Committal for Sentence, resolved that the next time he was charged before a Lay Bench he would adopt those tactics sometimes described as " Attack is the best Kind of Defence." Ere long, he was afforded the Opportunity of Putting Theory in Practice, being, by a Vigilant Constable, caught in the Act of helping himself from the Unprotected Till of a Market Trader in a small town.

The Actual Amount being Small, Summary Trial was requested by the Prosecution, and upon the Proper Words, with the Cautionary Appendix, being put to the Accused, he elected to be Dealt with by the Justices but, to the Surprise of All, pleaded " Not Guilty " to the Charge.

It was not long before it became Clear that, in addition to the Well Worn defence of Mistaken Identity, he Intended to Rely for his Defence upon an Attack on the Police relative to his Treatment on Arrest, the insobriety of the Constable who had affected that arrest, the Dishonest and Inaccurate Manner in which a written statement had been obtained from him, the inaccuracy of the statement itself, and the use of what he termed " Third Degree Methods " at the Police Headquarters. In addition to these, and Many More similar Allegations, he referred, irrelevantly, and at the wrong time (Though he was as well Versed in Court Procedure as the Clerk himself) to Honourable Wounds and Injuries suffered in the Service of his Country during the War. In Point of Fact, the only way in which he had served that Country, and incidentally himself, was in the running of a Profitable Business in " knocked off " nylons, and stolen cigarettes.

Fortunately, one of the Magistrates was acquainted with the words of A. Tacitus, and remembered the line " Compositium miraculi causa," which seemed to fit the case perfectly, for the Rogue had overdone the Matter, for his Tale was patently " Got Up " to create sensation and draw a Red Herring—or Two—across the judicial nose.

As he was being Taken Away to await the next sitting of the Appeals Committee, he would have recollected, had he had the Advantages, or Otherwise, of a Classical Education that SATIS SUPERQUE NON BONUM EST, which for the Purpose of this Maxim it is proposed to render as " Little Fish will not swallow Large Bait dangled from the Dock." AESOP II.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Bastardy—*Child born in India to married woman.*

I have received an application for two summonses under the Bastardy Acts from a woman who is now resident within this division, but before issuing the summonses I wish to be certain that the magistrates have jurisdiction. The facts are somewhat complicated and briefly are as follows :

Mrs. X, who is an Anglo-Indian, being the product of an Indian mother and an English or "white" father, was married in India in May, 1942, to Mr. X, who at that time was an Englishman and a British subject serving in the Royal Air Force. About 1946 Mr. X was demobilized and left his wife and she has no idea where he is. She does not know even the country in which he now resides. She has received no notification of any divorce or other proceedings and there have been no proceedings during the marriage between the two of them.

Mrs. X met Mr. Y, an Englishman, in India in 1948. They associated together and a male child was born on February 26, 1950, as a result of this association. This child was conceived in India and born there. Mrs. X and Mr. Y continued to live together in India and a second child was conceived in India, but before this child was born Mrs. X and Mr. Y came to England and the second child was born in a maternity home in England. Mrs. X and Mr. Y lived together in the London area for a short while and then came to live within this division.

I have referred to the cases of *R.* v. *Wilson, Ex parte Pereira* [1952] 2 All E.R. 706, 116 J.P. 549 and *Tetau* v. *O'Dea* [1950] 2 All E.R. 695, 114 J.P. 499. With regard to the first child, if Mrs. X was domiciled in India at the time of birth then it would seem that this court has no jurisdiction. With regard to the second child, if Mrs. X was domiciled in this country at the time of birth then this court would have jurisdiction. What I am not quite sure about is determining the domicile of Mrs. X. As she is a married woman does she take the domicile of her husband on marriage and does she retain her husband's domicile if her husband leaves her as above described. Assuming that it will be impossible to ascertain Mr. X's whereabouts and assuming that there have been no divorce proceedings or separation order between Mr. and Mrs. X, could you please give your opinion on the following points :

1. What is the domicile of Mrs. X
   (*a*) At the date of birth of the first child ?
   (*b*) At the date of birth of the second child ?
2. Have this court jurisdiction to issue a bastardy summons in respect of either of the children ?
3. Your observations generally.

It can be assumed that the alleged father paid money for the maintenance of both children within twelve months of birth. S. LANNO.

Answer.

1. Her domicile is that of her husband so long as the marriage exists, and even a judicial separation would not affect this, 6 *Halsbury* 209.

2. There appears to be no power to make an order in respect of the child born in India if the mother was not domiciled in any part of the United Kingdom, *R.* v. *Wilson, supra.* It does not appear from the question whether the husband was domiciled in India or elsewhere. As to the second child, born in England, there is no reason why the application should not be entertained.

3. It is impossible for us to say what was the domicile of the husband, and consequently of the wife, at any particular time. This is a matter for the justices to decide in the light of the evidence.

2.—Highway—*Seat erected by private person—Maintenance by council.*

A rural district council is asked to accept responsibility for the maintenance of a seat which a local resident wishes, with the approval of the highway authority, to erect on the highway as a memorial. Do you consider that s. 14 of the Public Health Act, 1925, enables the council to accept responsibility for the maintenance of a seat erected by some other person, and is there any other statutory provision which would enable the council to do so ? A.B.C.

Answer.

Section 14 of the Act of 1925 appears to contemplate that the cost of erecting and the cost of maintaining will be both public or both private, though we should not expect this point to be raised at audit. An alternative power is s. 268 (2) of the Local Government Act, 1933, but (seeing that a different technicality arises, *viz.*, whether the person erecting can make to the district council a gift of what has become an accession to the soil beneath the highway) we should regard s. 14 of the Act of 1925 as the better. If the council are seriously concerned about the technicality, they can accept the loose seat as a gift under s. 268 of 1933, with enough money to pay for its erection, and then both erect and maintain under s. 14 of 1925. This will, incidentally, get rid of another technicality, *viz.*, whether placing a seat in the highway is lawful at all.

3.—Licensing—*Holder of beerhouse licence acting as agent for another in purchase of wine.*

I will be pleased if you will give me your valued opinion of the following set of circumstances :

A member of the public approaches the licensee of a public house which is licensed for the sale of beer only, and hands him the sum of £5. This took place outside of permitted hours and in the private part of the licensed premises, the member of the public being a friend of the licensee. The £5 was to be used as follows :

The licensee to obtain two bottles of sherry and a bottle of port which the person paying was going to use for a private party at his own house. The remaining money to be kept by the licensee and handed back to the person concerned on Christmas Day when he was to bring in a party of friends to the public house, and this money was to purchase drinks for the party. The sherry and port was afterwards collected by the person concerned from the licensee during permitted hours but from the licensee's private quarters.

The question now arises—has an offence under s. 65 of the Licensing (Consolidation) Act, 1910, been committed in that the licensee did unlawfully sell by retail certain intoxicating liquor, namely, sherry and port without having a justices licence authorizing him to hold an excise licence for that intoxicating liquor ?

It will be noted that the whole of the transactions respecting the port and sherry were conducted in the licensee's private quarters and that payment was made some days before the supply. There is a strong suggestion that the licensee was merely acting as an agent for the other person and that there is no sale infringing the Act and section quoted. NIB.

Answer.

We think that the transaction mentioned is one of agency and is not caught by s. 65 of the Licensing (Consolidation) Act, 1910.

4.—Licensing—*Provisional new on-licence—Building licence enabling part only of premises to be constructed—Whether plan may be modified as a "structural alteration."*

At the last annual licensing sessions a brewery company for whom we act was granted a new licence in respect of premises proposed to be built on a new housing estate in this district. This licence was confirmed by the confirming authority in due course.

It now appears that the Ministry of Works are prepared only to grant a building licence up to £5,000 which, of course, is not sufficient to complete the plans which have already been approved in respect of the above mentioned licence.

Our clients now request us to make application to the magistrates for permission to proceed with part of the building incorporating two bars, a cellar and ladies and gents' lavatories up to a figure of £5,000. No living accommodation, however, would be available. They assure us that this can be done on the present plans. Some temporary living accommodation on the site might, however, be arranged. They will, of course, give complete undertaking that as soon as the licence is given for continuation they will proceed at once and indeed they will go further by giving an undertaking to go on pressing the Ministry of Works for such further licence.

We are wondering whether, by analogy, we can proceed at the next transfer sessions under s. 71 of the 1910 Act. It is true that the section deals with alterations to existing premises and we appreciate, of course, the unusualness of such an application and the fact that it would virtually be a variation of the licence granted at the annual meeting. We should, however, value your opinion and guidance on this matter and in particular as to whether s. 71 is tied to premises actually in existence or whether it could be interpreted to incorporate a case such as this. HOOK.

Answer.

Licensing law has never contemplated the facts of life in post-war scarcity conditions and has made no provision to meet the situation which our correspondent outlines. We do not think that s. 71 of the Licensing (Consolidation) Act, 1910, is apt for a situation of this kind : the section relates to alterations in "licensed premises in respect of which a justices' on-licence is in force." The essence of a provisional grant is that it "shall not be of any validity until it has been declared to be final" (*see* s. 33 (2)).

We can make no practical suggestions for dealing with the matter in advance of the next General Annual Licensing Meeting.

5.—Licensing—*Registered club—Premises let to "other organization" for function—Whether members of "other organization" may be made temporary members of club for the evening.*

Our court often has before it applications for the extension of permitted hours by licensed clubs who have let part of their premises, usually the hall, to some other organization who are holding a dinner, dance or social there. Upon inquiry from the court as to whether the people attending this function are also members of the club, the court is informed that they will be made temporary members for the evening. Is it in order for a licensed club to adopt this procedure?

Secondly, is it in order for a court in granting an extension of permitted hours for a special occasion to add that this extension is for the use only of those attending the special occasion? NUB.

Answer.

It is not lawful for a registered club to let part of its premises to another organization on the terms that whomsoever attends a function organized by that other organization is entitled to buy intoxicating liquor from the club. To make such people "temporary members" is a transparent device that does not change the nature of the situation. When a function such as that described is taking place with all comers purporting to be enrolled as temporary members of the club, there is strong evidence that the club is not conducted in good faith as a club, and that illegal sales of intoxicating liquor are taking place. Investigation would probably disclose that the so-called temporary members were not admitted in accordance with the rules of the club as registered under s. 92 of the Licensing (Consolidation) Act, 1910, and that a shorter interval than forty-eight hours occurred between their nomination (if, indeed, there was any nomination) and admission. Any of the above points is a ground for striking the club off the register under s. 95 of the Licensing (Consolidation) Act, 1910.

There is nothing to prevent a court, when granting a special order of exemption, to require from the person to whom it is granted an undertaking that sales of intoxicating liquor during the extended permitted hours shall be confined to guests at the function in respect of which the order is granted, and, in many well-regulated courts, this is invariably done.

Our correspondent uses the expression "licensed club" as though he supposes the club to be licensed premises or to have a licence of some kind. This is not so. A club forms itself and registers itself with the clerk to justices without requiring any licence of any kind. It is by virtue of this registration that the club is permitted to supply to its individual members intoxicating liquor from the stock that the club maintains and which, in theory, is owned jointly by all the members (*Graff* v. *Evans* (1882) 46 J.P. 262).

6.—Music, etc., licence—*Whether necessary for jazz club meeting weekly in a public house.*

A group of persons, some sixty in number, form a Jazz Club. The club is not a registered club and does not occupy any permanent premises. It uses rooms, usually in licensed premises, and there entertains itself, with assistance of guest artistes who play upon various "jazz" musical instruments, individually and as a jazz band to which artistes also "sing" in a manner appreciated by jazz enthusiasts. The club secretary is manager of a radio and musical business. Apparently he runs the club as a hobby—no doubt profitable, since the members (generally the student type) are likely to purchase their musical requirements from his shop. All are respectable persons and club meetings appear to be conducted in a proper manner. At the present time the club meets each Friday evening at an alehouse. The licensee, without charge, allows them to use a large club room (part of the licensed premises) upon the first floor. The room contains a bar and intoxicants are supplied in the usual way. No other persons use that part of the premises on Friday evenings. Upon the stairway landing leading to the club room is placed a table at which the secretary sits and admits Jazz Club members to the room. Nearby is a notice, very briefly giving the name and objects of the club. The notice states the club is non-profit making, income being used to defray expenses of artistes, etc., Membership fee, 1*s.*; subscription charge of 2*s.* 6*d.* payable by members attending each club meeting, which is collected at the table. No other names or particulars are given and it is apparent that any persons wishing to join the club may do so forthwith upon payment of 3*s.* 6*d.* and attend the jazz sessions. The notice makes no mention of the usual registered club condition of an interval of forty-eight hours between nomination and membership. The alehouse is licensed under the Public Health Acts Amendment Act, 1890, for music, *viz.*: "Landing and smoke bar, radiogram." The club room is situate off the landing, presumably covered by the licence, but only for "radiograms."

The licensee takes the view that the Jazz Club is a private body of persons and that he does not need a music licence covering their use of the premises, which under the above Act relates to public singing, music, etc.

An advertisement frequently appears in local evening newspapers.

The local licensing authority would be unlikely to grant licences under the 1890 Act that would eventually convert licenced premises into public music halls.

I should be glad therefore to receive an opinion as to whether the circumstances require a music and singing licence granted by the licensing justices, or whether the usage does not amount to "public usage" and may continue in its present form. NIN.

Answer.

The situation outlined by our correspondent is as much a matter of argument as of law. Clearly, if the premises are kept or used for *public* music and singing a licence is required under s. 51 of the Public Health Acts Amendment Act, 1890; but a doubt exists as to whether the functions described as meetings of the Jazz Club are public or private. This is a question of fact to be decided by a magistrates court in a prosecution (*Maloney* v. *Lingard* (1898) 42 Sol. J. 193).

We express no editorial opinion on the facts before us; but suggest that "public music and singing" does not cease to be such by describing the people called together by public advertisement to take part in it as "a club" and by charging an entrance fee, so-called a membership fee and subscription, for which is provided an entertainment which otherwise could not lawfully be held on the premises where it is held. In our opinion, a club (even if not registered as such) may not be accorded the privileges which the law allows to a "private gathering" without answering certain elementary requirements. Is there a committee controlling the affairs of the club? Are there rules? Does membership require nomination and election? To whom do the profits go, or upon whom do the losses fall? Is there anywhere kept a list of members from which (to put it at its lowest) one member may discover something about another?

If the Jazz Club is a genuine club and is conducted in good faith as such it may hold its meetings (even if they would more properly be described as "entertainments") in premises not licensed for public music and singing.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*contd.*)

BOROUGH OF LUTON

Appointment of Committee Clerk

APPLICATIONS are invited for the post of Committee Clerk (Male) at a commencing salary of £495 (Grade A.P.T. II).

The appointment will be subject to the National Scheme of Conditions of Service.

Applications, stating age, qualifications, experience, appointments held (with dates and salaries), and the names of two referees, should reach me by September 24, 1953.

W. H. ROBINSON,
Town Clerk.

Town Hall, Luton.
September 9, 1953.

CITY OF LEEDS

Senior Assistant Solicitor

APPLICATIONS are invited for the appointment of a Senior Assistant Solicitor in my office at a salary within A.P.T. Grade X. The commencing salary will be fixed according to qualifications and experience.

The person appointed will be required to attend and advise a number of Committees and to assist in the work of the Office generally. He will be subject to the Local Government Superannuation Acts, 1937 to 1953, and will be required to pass a medical examination before his appointment is confirmed.

Applications, with details of age, date of admission, qualifications and experience, together with the names of three persons to whom reference may be made, must reach me by October 3, 1953.

Canvassing in any form, either directly or indirectly, will be a disqualification.

ROBERT CRUTE,
Town Clerk.

Civic Hall,
Leeds, 1.
September 3, 1953.

When replying to advertisers please mention the Justice of the Peace and Local Government Review

ALDRIDGE URBAN DISTRICT COUNCIL

Assistant Solicitor (Grade A.P.T. VI—£670—£735)

APPLICATIONS (giving the names of two referees) are invited for this established post in my department. If required, housing accommodation will be provided and removal expenses paid. Closing date October 5, 1953.

Further particulars regarding the development of the Urban District may be obtained from me.

H. G. G. NICHOLS,
Clerk to the Council.

The Council House,
Aldridge, Staffs.

CUMBERLAND PROBATION AREA

APPLICATIONS are invited for the post of full-time female Probation Officer to be stationed at Carlisle.

The appointment and salary will be subject to the Probation Rules, and the selected candidate will be required to pass a medical examination.

Applications, stating age, qualifications and experience, and giving the name and address of two referees, should be submitted to the undersigned not later than September 26, 1953.

G. N. C. SWIFT,
Clerk to the Combined Probation Committee.

The Courts,
Carlisle.

COUNTY BOROUGH OF BLACKPOOL

Appointment of Principal Assistant Solicitor in the Department of the Town Clerk

APPLICATIONS are invited for the superannuable appointment of Principal Assistant Solicitor in the Department of the Town Clerk at the salary in accordance with A.P.T. Grade IX (£815 to £935). Experience and qualifications will be taken into account in fixing the commencing salary within the Grade.

Previous Local Government experience essential. Advocacy desirable.

Further particulars, conditions of appointment and form of application may be obtained from the undersigned.

Completed forms of application should reach me on or before October 10, 1953.

TREVOR T. JONES,
Town Clerk.

Municipal Buildings,
Town Hall Street,
Blackpool.

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